

NORFOLK, VIRGINIA
ACTION OF THE COUNCIL
CITY COUNCIL MEETING

TUESDAY, OCTOBER 11, 2016 – 7:00 P.M.

Mayor Alexander called the meeting to order at 7:00 p.m.

The opening prayer was offered by Reverend Dr. Keith I. Jones, Shiloh Baptist Church, followed by the Pledge of Allegiance.

The following members were present: Ms. Graves, Ms. Johnson, Ms. McClellan, Mr. Riddick, Mr. Smigiel, Mr. Thomas, Dr. Whibley, and Mr. Alexander.

President Alexander moved to dispense with the reading of the minutes of the previous meeting.

Motion adopted.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley and Alexander

No: None.

CERTIFICATION OF CLOSED MEETING

A Resolution entitled, "A Resolution certifying a closed meeting of the Council of the City of Norfolk in accordance with the provisions of the Virginia Freedom of Information Act," was introduced in writing and read by its title.

ACTION: The Resolution as introduced was **adopted**, effective October 11, 2016.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley and Alexander.

No: None.

CEREMONIAL MATTERS

1. Mayor Alexander introduced Ed Lazon from Friends of the Norfolk Public Library who spoke on the summer reading program – “Read for the Win!” Students logged reading times through participation at libraries, schools and recreation centers. He noted that National Friends of the Library Week is October 16 – 22, 2016, and asked everyone to join in the celebration at the Norfolk Public Libraries.

2. Mayor Alexander read a Proclamation declaring October 9-15, 2016, as Fire Prevention Week. It was accepted by Chief Jeffrey Wise, Battalion Chief Julian Williamson and from Fire Station 8 – Captain James Bailey, Firefighter Michael Say, Firefighter Damonte Ward and Firefighter Reginald Shirley.

PUBLIC HEARINGS

PH-1

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments on the conveyance to Kyle and Letitia Nickerson of a certain non-conforming lot located at **860 Washington Avenue**.

Thereupon, an Ordinance entitled, “An Ordinance authorizing the conveyance to Kyle and Letitia Nickerson of a certain non-conforming lot located at **860 Washington Avenue** in accordance with the terms and conditions of the Conveyance Agreement,” was introduced and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective November 11, 2016.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley, and Alexander.

No: None.

PH-2

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments on a Lease Agreement with Copy Connection, LLC for the lease of city owned property located in the Main Street Parking Garage Complex and known as **236 East Main Street**.

Thereupon, an Ordinance entitled, “An Ordinance approving a Lease Agreement with Copy Connection, LLC for the lease of city owned property located in the Main Street Parking Garage Complex and known as **236 East Main Street**,” was introduced and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective November 11, 2016.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley, and Alexander.

No: None.

REGULAR AGENDA

R-1

Matter of a letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** authorizing the operation of an entertainment establishment with alcoholic beverages known as ‘**Collector Norfolk**’ on property located at **2409 Fawn Street**,” was introduced in writing and read by its title.

(Passed by at the September 13, 2016 meeting)

Ryan Meadows, 1205 Pebble Rock Court, Chesapeake, was present to answer questions.

Lana Pressley, 2833 Villa Circle, spoke in favor of this matter.

ACTION: The Ordinance as introduced was **adopted**, effective October 11, 2016.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley, and Alexander.

No: None.

R-2

Matter of a letter from the City Manager and an Ordinance entitled, “An Ordinance approving a **Nonexclusive Telecommunications Franchise Agreement** with **Mobilitie, LLC**,” was introduced in writing and read by its title.

(Passed by at the September 13, 2016 meeting)

Robert Norwood and Elizabeth Williams, 3475 Piedmont Road, N.E. Atlanta, Georgia, were present to answer questions.

ACTION: The Ordinance as introduced was **adopted**, effective November 11, 2016.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley, and Alexander.

No: None.

R-3

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** authorizing the operation of an eating and drinking establishment named ‘**Wing Stop**’ on property located at **520 West 21st Street, Unit D1**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective October 11, 2016.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley, and Alexander.

No: None.

R-4

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** authorizing the operation of an eating and drinking establishment named ‘**Applebee’s Neighborhood Grill and Bar**’ on property located at **725 East Little Creek Road, Building 3, Unit 501**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective October 11, 2016.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley, and Alexander.

No: None.

R-5

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** to operate an automobile sales and service establishment named ‘**A and S Enterprises**’ on property located at **5139 East Virginia Beach Boulevard**,” was introduced in writing and read by its title.

Andre Riddick, 3409 Montgomery Place, Virginia Beach, was present to answer questions.

ACTION: The Ordinance as introduced was **adopted**, effective October 11, 2016.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley, and Alexander.

No: None.

R-6

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** authorizing the sale of alcoholic beverages for off-premises consumption at an establishment known as ‘**New York Deli and Smoke Shop**’ on property located at **4214 East Little Creek Road**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective October 11, 2016.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley, and Alexander.

No: None.

R-7

Letter from the City Attorney and an Ordinance entitled, “An Ordinance directing the City Treasurer to issue a refund in the amount of \$4,775.31 plus interest to **LWN Panda, LLC** based upon the overpayment of its business personal property taxes for the tax year 2016,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective October 11, 2016.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley, and Alexander.

No: None.

R-8

Letter from the City Manager and an Ordinance entitled, “An Ordinance accepting the conveyance of a **permanent drainage easement** by **Norfolk Christian Holding Academy** to the City of Norfolk and authorizing the City Manager to accept the Easement on behalf of the City,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective October 11, 2016.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley, and Alexander.

No: None.

R-9

Letter from the City Clerk requesting use of the Mace for the **32nd Annual Holidays in the City Grand Illumination Parade** to be held on Saturday, November 19, 2016.

ACTION: Approve use of Mace.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley, and Alexander.

No: None.

R-10

Letter from the City Manager and an Ordinance entitled, “An Ordinance permitting **George P. and Brenda W. Arnold** to encroach into city property at **1119 Little Bay Avenue** with rip rap, a pier and lifts,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective October 11, 2016.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley, and Alexander.

No: None.

R-11

Letter from the City Manager and an Ordinance entitled, “An Ordinance permitting **Wave Church** to encroach into the right-of-way of **College Place** with an existing awning,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective October 11, 2016.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley, and Alexander.

No: None.

R-12

Letter from the City Manager and an Ordinance entitled, “An Ordinance permitting **200 East 22nd Street, LLC** to encroach into the right-of-way of **East 22nd Street** with an entrance door and canopy, and into the right-of-way on Monticello Avenue with ten (10’) feet of the building,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective October 11, 2016.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley, and Alexander.

No: None.

R-13

Letter from the City Manager and an Ordinance entitled, “An Ordinance permitting **Bress Realty, LLC** to encroach into the right-of-way of **Granby Street** with a wall sign and temporary planter,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective October 11, 2016.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley, and Alexander.

No: None.

R- 14

Letter from the City Manager and an Ordinance entitled, “An Ordinance permitting **Athens, LLC** to encroach into the right-of-way of **Redgate Avenue** with an extension of the existing mansard roof,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective October 11, 2016.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley, and Alexander.

No: None.

R-15

Letter from the City Manager and an Ordinance entitled, “An Ordinance permitting **Gatehouse II, LLC** to encroach into the rights-of-way of **E. 20th Street, Armistead Avenue, Monticello Avenue and E. 19th Street** with various structures,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective October 11, 2016.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley, and Alexander.

No: None.

R-16

Letter from the City Manager and an Ordinance entitled, “An Ordinance approving an agreement between the **Commonwealth of Virginia, Department of Transportation** and the City of Norfolk, relating to the collection and processing of approximately 845 miles of pavement data with a fully configured ARAN; and authorizing the expenditure of a sum of up to \$233,305.00 from funds heretofore appropriated in the City’s General Operating Budget to cover the City’s costs related to the project,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective October 11, 2016.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley, and Alexander.

No: None.

R-17

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting **L & H Real Property, LLC** permission to encroach into the right-of-way at **1310 Colley Avenue** approximately 264 square feet for the purpose of outdoor dining and approving the terms and conditions of the Encroachment Agreement,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective October 11, 2016.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley, and Alexander.

No: None.

R-18

Letter from the City Manager and an Ordinance entitled, “An Ordinance approving a **Lease Agreement** between **1155 Pineridge, LLC** and the City of Norfolk for the lease of that certain property owned by 1155 Pineridge, LLC located at **1155 Pineridge Road**, and authorizing the City Manager to execute the Lease Agreement on behalf of the City of Norfolk,” was introduced in writing and read by its title.

ACTION: This matter was continued to October 25, 2016.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley, and Alexander.

No: None.

R-19

Letter from the City Manager and an Ordinance entitled, “An Ordinance approving a **Lease Agreement** between the Norfolk Redevelopment and Housing Authority and the City of Norfolk for the lease of that certain property owned by the Norfolk Redevelopment and Housing Authority, located at **1445 Roberts Road**, and authorizing the City Manager to execute the Lease Agreement on behalf of the City of Norfolk,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective October 11, 2016.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley, and Alexander.

No: None.

R-20

Letter from the City Manager and an Ordinance entitled, “An Ordinance approving a **Purchase Offer Agreement** between **Virginia Department of Transportation**, as seller, and the City, as purchaser, for the sale of 0.127 acres of land for the purpose of constructing an access road and authorizing the City Manager to execute the Deed on behalf of the City,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective October 11, 2016.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley, and Alexander.

No: None.

R-21

Letter from the City Manager and an Ordinance entitled, “An Ordinance accepting a \$183,126.00 Grant Award from the **U.S. Department of Justice Programs, Bureau of Justice Assistance from the FY 2016 Edward Byrne Memorial Justice Assistance Grant (JAG) Program** and appropriating and authorizing the expenditure of the fund for equipment expenses for the program,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective October 11, 2016.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley, and Alexander.

No: None.

R-22

Letter from the City Manager and an Ordinance entitled, “An Ordinance accepting a \$45,110.00 Grant Award from the **Virginia Department of Motor Vehicles** for police officers’ overtime pay to assist with a selective enforcement-alcohol initiative, to pay training fees and for equipment purchases and accepting a \$29,328.00 Grant Award for police officers’ overtime pay to assist with a selective enforcement-speed initiative, appropriating and authorizing the expenditure of the Grand Funds and local matching funds in the amounts of \$22,555.00 and \$14,664.00 as in-kind services by the Norfolk Police Department for grant purposes,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective October 11, 2016.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley, and Alexander.

No: None.

R-23

Letter from the City Manager and an Ordinance entitled, “An Ordinance accepting a \$50,000.00 Grant Award from the Supreme Court of Virginia for the **Adult Drug Court Vivitrol Pilot Program** and appropriating and authorizing the expenditure of the grant funds for the Program,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective October 11, 2016.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley, and Alexander.

No: None.

R-24

Letter from the City Manager and an Ordinance entitled, “An Ordinance accepting with appreciation the donation to the City, 19 **ballistic K-9 vests** having a value of approximately \$41,800 from the SPIKES K-9 FUND for the Norfolk Police Department K-9 Program,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective October 11, 2016.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley, and Alexander.

No: None.

R-25

Letter from the City Manager and an Ordinance entitled, “An Ordinance accepting \$27,046.00 in **Rescue Squad Assistance Grant Funds from the Office of Emergency Medical Services**, and appropriating and authorizing the expenditure of the grant funds and local matching funds in the amount of \$27,046.44 to purchase portable cardiopulmonary resuscitation (CPR) devices for the Department of Fire-Rescue,” was be introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective October 11, 2016.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley, and Alexander.

No: None.

R-26

Letter from the City Manager and an Ordinance entitled, “An Ordinance accepting \$67,120.17 from the schools and libraries Division of the **Universal Service Fund E-rate Reimbursement Program** and appropriating and authorizing the expenditure of \$67,120.17 for telecommunications and technology services for the Norfolk Public Library,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective October 11, 2016.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley, and Alexander.

No: None.

R-27

Letter from the City Manager and a Resolution entitled, “A Resolution appointing members to the **Coastal Management Review Board** for the City of Norfolk and to the **Erosion Advisory Commission** for the City of Norfolk and to assign an initial term of service for each member,” was introduced in writing and read by its title.

ACTION: The Resolution as introduced was **adopted**, effective October 11, 2016.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley, and Alexander.

No: None.

R-28

A Resolution entitled, “A Resolution appointing 2 persons to the **Norfolk City Planning Commission** for a certain term,” was introduced in writing and read by its title.

ACTION: The Resolution as introduced was **adopted**, effective October 11, 2016.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley, and Alexander.

No: None.

R-29

Letter from the City Manager and an Ordinance entitled, “An Ordinance to **waive building permit fees** for repair of certain structures damaged by Hurricane Matthew,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective October 11, 2016.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley, and Alexander.

No: None.

NEW BUSINESS

1. Woodrow Moore, Jr. 2787 Tait Terrace, commented that his German shepherd escaped from his yard and was shot by police. He left his telephone number in the event anyone with the city wanted to discuss it with him.
2. Carolyn Latham, 1819 Gracie Street, Vice President of the Olde Huntersville Civic League, presented a strategic plan to the council that outlined programs for the neighborhood which included training, lifelong learning and neighborhood mapping sessions.
3. Gwendolyn Pittman, 2227 Hanson Avenue, stated that she could not obtain a report from Social Services that has been requested about her mother. Ms. Pittman was referred to Interim City Manager, Stephen Hawks.
4. Steve Bayer, 536 Rhode Island Avenue; Jesse Scaccia, 500 Botetourt Gardens; Scott Harris, 3901 Gosnold Avenue and Luke Downing, 220 W. Brambleton Avenue, #208, asked council to support the decriminalization of marijuana.
6. Danny Lee Ginn, 3844 Dare Circle, stated he was offended by the manner in which Dr. Whibley requested him to leave a closed session meeting of the council.